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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,250	01/14/2002	Ravi Verma	NAI1P244/01.238.01	6325
28875	7590	04/10/2006	EXAMINER	
Zilka-Kotab, PC			SZYMANSKI, THOMAS M	
P.O. BOX 721120			ART UNIT	PAPER NUMBER
SAN JOSE, CA 95172-1120			2134	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/047,250	<b>Applicant(s)</b> VERMA, RAVI	
	<b>Examiner</b> Thomas Szymanski	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1- 5, 8-29, and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 5, 8-29, and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1- 5, 8-29, and 31 have been examined.

#### ***Claim Objections***

2. Claim 17 is objected to because of the following informalities: Claim 17 needs to end with a period, the proper punctuation is missing. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 5, 8-29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Remer et al U.S Patent Application Publication 2003/0088516 ("Remer").
3. Regarding claim 1: License enforcement server associated with a network critical machine being interconnected to the network (paragraph 19-24, 31-34)  
A database (Fig 1, paragraphs 23-24, 34-37, 47-85) Remer provides for a database containing relevant license as indicated by the Tables.  
A client connected to the network (Fig 1, Paragraphs 18-24)

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An instruction set for receiving and sending messages related to the licensed activity and a state of authorization (19-24, 44-86) Remer provides a mechanism [0024] for communications of the state of authorization between the client system and enforcement server and the gateway (VAR).

A license enforcement gateway coupled to the license enforcement server (Fig 1, Paragraphs 34-36, 45, 53-88) The Gateway or var is the distributor of the license and the servicing component acts as the license enforcement server.

A namespace tree for identifying licensed activity (Fig 1, paragraphs 23-24, 34-37, 47-85) The database provided anticipates a namespace tree and provides for the same functionality.

License enforcement server connects to the license enforcement gateway to synchronize and validate database/namespace tree (Para 21-28, 31-35, 53-95) The server connects to the gateway and validates licenses from the clients.

An alarm is created if the state of authorization includes an unauthorized state (Figs 3, para 24-29, 35, 47-73, 77-85) Remer provides for issuing an alert when a license is unauthorized.

The license enforcement server periodically confirms the validity of at least of a date, a number of launches, and a number of logged hours; The license enforcement server authorizes licenses without communicating with the license enforcement gateway between the periodic confirmations (Tables 1-3, para 21-29, 32-35, 47-84) The servicing component (server) periodically checks clients for valid licenses based on the stated criteria of the claim.

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4. Regarding claims 2-3: The server being of a combined system with a primary domain controller and address server (Fig 1, paragraph 19, 31-34) Remer provides that the server may be on a combined system with other network systems.

5. Regarding claim 4: A second license enforcement server (Fig 1, paragraph 19, 20-24, 31-34) Any number of enforcement servers is possible.

6. Regarding claim 5: License enforcement server is integrated with the operating system. (paragraphs 19-34) The server may be installed as part of a corporate server as such being an integrated portion of the computer.

7. Claims 8-12, 13-15, 16-18, 19-21, and 22-26 are a recitation of claims 1-5 and as such are rejected on the same basis.

8. Regarding Claim 27: The namespace tree is organized utilizing data associated with at least one of vendors, categories of software, products, versions of the products, and licensing modeled data with the products. (Table 1, paragraphs 19-28) The database (i.e. namespace tree) is always organized by such information as that described. Furthermore, it can be seen as to the distributed nature of the database that the tree structure of figure 4 provides for a networked tree of databases that are organized in the same manner as mentioned by the applicant.

9. Regarding Claim 28: The license enforcement server serves licenses associated with software from a plurality of vendors (paragraphs 55-56) As it may be seen the invention teaches that any number of vendors may be use the network of servers for licensing.

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10. Regarding Claim 29: The licensed activity is prevented if the state of authorization includes an unauthorized state (Figs 3, paragraphs 19-28) As stated for the application to run it must be authorized.

11. Regarding Claim 31: The license enforcement server communicates with the license enforcement gateway information associated with at least one of a list of licenses, data regarding use of a particular license, requests for receiving new licenses, requests for receiving updates to existing licenses, alarms associated with piracy, and alarms associated with a disabling of a license. (paragraphs 29, 53-95) The system of Remer provides for communication of licenses containing all such data and authentication of such licenses.

### ***Response to Argument***

12. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of art disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

14. Inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas M. Szymanski who can be reached at (571)

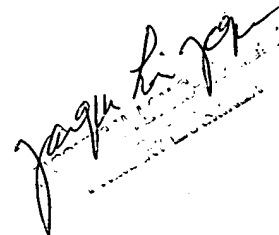
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272-8574. The examiner's normal working schedule is between the hours 8:00am – 4:30pm (EST), Monday – Friday.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMS

A handwritten signature in black ink, appearing to read "Jacques Louis-Jacques", is written over a faint, rectangular stamp. The signature is slanted upwards to the right.